

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Applicant :SHIHE FAN et al.  
Serial No. :10/726,574  
Filed :December 4, 2003  
Title :METHOD OF EX VITRO SOWING, GERMINATION,  
GROWTH AND CONVERSION OF PLANT SOMATIC  
EMBRYOS OR GERMINANTS, AND NUTRIENT  
MEDIUM USED THEREFOR

**KIRBY EADES GALE BAKER**  
Box 3432, Stn. D,  
Ottawa, Ontario.  
Canada K1P 6N9

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
United States of America

Dear Sir:

STATEMENT UNDER 37 C.F.R. 1.56

Under the provisions of 37 C.F.R. 1.56, the applicant hereby submits the information set out below which the Examiner may consider to be material to the examination of the application.

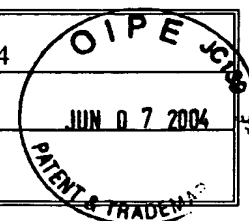
This statement is not intended to represent that a search has been made or that no better art exists. Further, the undersigned has no specific knowledge of the effective dates for purposes of qualification as prior art of the cited references, copies enclosed. Consequently, the applicant reserves the right to contest the applicability of these references as prior art against the subject application should it be determined that they are not available as prior art.

Respectfully submitted,

*Kimberley Lachaine*

Kimberley Lachaine  
Reg No. 33,319  
Tel (613) 237-6900  
Our File No. 48679  
June 4, 2004

Form PTO-1449 (Rev.7-80)	U.S. Department of Commerce Patent & Trademark Office	ATTY. DOCKET NO. 48679	SERIAL NO. 10/726,574
LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)		APPLICANT FAN, Shihe, et al.	
		FILING DATE: December 4, 2003	GROUP



## U.S. PATENT DOCUMENTS

*Examiner Initial	Kind Codes	Document Number	Date	Name	Class	Subclass	Filing Date
		4,562,663	01/07/1986	Redenbaugh	800	295	
		4,777,762	10/18/1988	Redenbaugh et al.	47	57.6	
		4,801,545	01/31/1989	Stuart et al.	435	430.1	
		4,957,866	09/18/1990	Gupta et al.	435	422	
		5,010,685	04/30/1991	Sakamoto et al.	47	57.6	
		5,036,007	07/30/1991	Gupta et al.	435	422	
		5,119,588	06/09/1992	Timmis et al.	47	58.1R	
		5,183,757	02/02/1993	Roberts	435	422	
		5,236,469	08/17/1993	Carlson et al.	47	57.6	
		5,294,549	03/15/1994	Pullman et al.	435	422	
		5,413,930	05/09/1995	Becwar et al.	435	422	
		5,427,593	06/27/1995	Carlson et al.	47	57.6	
		5,451,241	09/19/1995	Carlson et al.	47	57.6	
		5,464,769	11/07/1995	Attree et al.	800	319	
		5,482,857	01/09/1996	Gupta et al.	435	422	
		5,486,218	01/23/1996	Carlson et al.	47	57.6	
		5,506,136	04/09/1996	Becwar et al.	435	422	
		5,563,061	10/08/1996	Gupta	435	422	
	B1	6,420,629	07/16/2002	Xue et al.	800	284	
	B1	6,444,467	09/03/2002	Fan et al.	435	430.1	
	B1	6,689,609	02/10/2004	Fan et al.	435	422	
	A1	2002-0194649	12/19/2002	Fan et al.	800	298	
	A1	2003-0061639	03/27/2003	Polonenko et al.	800	298	
	A1	2003-0106098	06/05/2003	Xue et al.	800	284	
	A1	2003-0157668	08/21/2003	Polonenko et al.	435	110	

## FOREIGN PATENT DOCUMENTS

	Kind Codes	Document number	Date	Country	Class	Subclass	Translation
	A1	2 748 491	11/14/1997	France	C 12 N 5	04	Yes
	A1	WO 99/65293	12/23/1999	PCT	A01H 4	00	

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	Carlson and Hartle, 1995, "Manufactured Seeds of Woody Plants", S. Jain, P. Gupta & R. Newton (eds.), Somatic Embryogenesis in Woody Plants, Vol. 1, 253-263.
	Gray, et al., 1995, "Somatic Embryogenesis and the Technology of Synthetic Seed", Biotechnology in Agriculture and Forestry, Vol. 30, 126-151.
	Gupta and Grob, 1995, "Somatic Embryogenesis in Conifers", S. Jain, P. Gupta & R. Newton (eds.), Somatic Embryogenesis in Woody Plants, Vol. 1, 81-98.
	Harlow and Harrar, 1968, "Covering the Important Forest Trees of the United States and Canada", Textbook of Dendrology, 5 <sup>th</sup> ed., 48-49.
	Jayasankar, et al., 2001, "Direct Seeding of Grapevine Somatic Embryos and Regeneration of Plants", In Vitro Cell. Dev. Biol., Plant 37: 476-479.
	Kleinschmit, et al., 1993, "Past, Present, and Anticipated Applications of Clonal Forestry", Clonal Forestry II, Conservation and Application, Ed. By M.R. Ahuja and W.J. Libby, 8-41.
	Park, et al., 1998, "Clonal Forestry", Forest Genetics and Tree Breeding, 143-167.
	Redenbaugh, et al., 1993, "Synseeds - Applications of Synthetic Seeds to Crop Improvement", CRC Press, Inc., 35-46.
	Roberts, et al., 1995, "A delivery system for naked somatic embryos of interior spruce", Automation and Environmental Control in Plant Tissue Culture, 245-256.

		Sakamoto, et al., 1995, "Delivery systems for tissue culture by encapsulation", Automation and Environmental Control in Plant Tissue Culture, 215-243.
		Schopmeyer, 1974, "Flower Initiation and Early Development", Seeds of Woody Plants In The United States, Forest Service, U.S. Department of Agriculture, Agriculture Handbook No. 450, 6-26.
		Sutton and Polonenko, 1999, "Commercialization of Plant Somatic Embryogenesis", Somatic Embryogenesis in Woody Plants, Volume 4, 263-291.
		Tautorius, et al., 1991, "Somatic embryogenesis in conifers <sup>1</sup> ", Can. J. Bot. Vol. 69, 1873-1899.
		Tremblay and Tremblay, 1995, "Maturation of black spruce somatic embryos: Sucrose hydrolysis and resulting osmotic pressure of the medium", Plant Cell. Tissue and Organ Culture, 42: 39-46.

Examiner	Date considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	